IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2007

CORAM:

THE HONOURABLE MR.JUSTICE A.C.ARUMUGAPERUMAL ADITYAN

CRL.R.C.No.614 OF 2003
and
Crl.M.P.No.3689 of 2003

S.N. Rajasekaran .. Petitioner

-vs-

M/s 4 P Corporation
rep.by its Director
B.Krishnamurthy
NO.6, Esplanade
Chennai .. Respondent

This Revision is filed under Section 397 r/w 401Cr.P.C.against the order passed in Crl.M.P.No.3287 of 2003 in C.A.No.93 of 2003 dated 31.3.2003 on the file of IV Additional Sessions Judge, Chennai.

For petitioner : : Mr.C.K.M.Appaji
For respondent : : Ms.N.Sivaneswari

O R D E R

This revision has been preferred against the order passed in Crl.M.P.No.3287 of 2003 in C.A.No.93 of 2003 on the file of IV Additional Sessions Judge, Chennai.

2. The revision petitioner is the accused in C.C.NO.7375 of 2000 on the file of XIII Metropolitan Magistrate, Egmore, Chennai.

3. The calendar case has ended in conviction. Against the Judgment of the trial Court, the accused has preferred an appeal in C.A.No.93 of 2003 before the IV Additional Sessions Judge, City Civil Court, Chennai, who as per the order in Crl.M.P.No.3287 of 2003 in C.A.No.93 of 2003 has suspended the sentence by imposing condition that the petitioner/appellant shall deposit a sum of Rs.1,75,000/- before the first appellate Court within six weeks and also to execute a bond for Rs.5,000/- with two sureties to the satisfaction of XII Metropolitan Magistrate, Egmore, Chennai-8. The condition imposed by the first appellate Court, directing the petitioner/appellant to deposit a sum of Rs.1,75,000/- alone

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was challenged in this revision petition.

4. Heard Mr.C.K.M.Appaji, learned counsel appearing for the revision petitioner and Ms.N.Sivaneswari, learned counsel appearing for the respondent and considered their rival submissions.

5. Since, the total cheque amount under two cheques itself comes to Rs.3,69,341/-, I am of the view that imposing a condition directing the petitioner/appellant to deposit a sum of Rs.1,75,000/- before the trial Court, while the appeal is pending before the first appellate Court seems to be so harsh which in my view is to be modified.

6.Under such circumstances, the condition imposed by the first appellate Court in Crl.M.P.No.3287 of 2003 in C.A.No.93 of 2003 directing the petitioner/appellant to deposit a sum of Rs.1,75,000/- before XIII Metropolitan Magistrate, Egmore, Chennai alone is modified and the revision petitioner/appellant in Crl.M.P.NO.3287 of 2003 in C.A.No.93 of 2003 shall be released on bail on his executing a bond for Rs.5,000/- (Rupees Five thousand) Only with two sureties to the satisfaction of XIII Metropolitan Magistrate, Egmore, Chennai-8 for suspension of sentence.

7. In the result, the revision petition is allowed in part and the condition imposed by the first appellate Court directing the petitioner/appellant to deposit a sum of Rs.1,75,000/- alone is vacated and the remaining condition imposed by the first appellate Court in Crl.M.P.No.3287 of 2003 in C.A.No.93 of 2003 is confirmed. Consequently connected Crl.M.P.No.3689 of 2003 is closed.

8. The learned first appellate Judge is directed to dispose of C.A.No.93 of 2003 within a period of two months from the date of receipt of a copy of a copy of this order.

sg

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To
1. The IV Additional Sessions Court,
City Civil Court, Chennai
2.-do- Through the Principal Judge, City Civil Court, Chennai.
+ One cc to Mr. R. Madanagopal Advocate SR 31580
+ One cc to Mr. C.K.M. Appaji, Advocate sR 51481
KU (co)
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